

Attorney's Docket No.: 10559/380001/P10186

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

35 USC § 101

Claims 1-30 have been rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Notwithstanding, claims 1 and 9 have been amended to clarify that they define computer-implemented methods. With regard to claims 16-30, it is respectfully submitted that articles as provided in claims 16 and 27 comprise statutory subject matter as 35 USC § 101 clearly covers articles of manufacture. In addition, the preamble of claims 16 and 27 clearly state that the instructions may be used to cause a machine to perform the defined operations, and as such, this excludes a human from performing the claimed subject matter.

Accordingly, it is respectfully requested that this rejection be withdrawn.

35 USC § 102

Claims 1, 10-13, 16, and 25-28 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Farrell. These rejections are respectfully traversed.

Attorney's Docket No.: 10559/380001/P10186

Claim 1 recites receiving discovery data collected from a network device by two or more discovery agents, aggregating said discovery data, coalescing the discovery data in a software file comprising a discovery document, said discovery data including two or more duplicate data entries, and removing all but one of the duplicate data entries from the discovery document. Claims 12, 16, and 27 include similar features.

Farrell describes an accounting process that includes a flow data collection layer in which individual and multiple data collectors may be disposed at points of presence in a network (see, inter alia, Farrell col. 2, lines 35-50, Fig. 1). A flow aggregation and distribution process assembles data obtained by the data collectors into a format that can be used by billing or other user defined data consuming applications.

The individual data collectors collect data from a plurality of equipment interfaces (see, inter alia, Farrell col. 3, lines 47-58, Fig. 2). Such data is converted into normalized records which are referred to as NARS. A flow aggregation processor acts as a central collection point for all NARS produced by the various data collectors (see, inter alia, Farrell, col. 4, lines 15-21). This flow aggregation processor aggregates / summarizes related information from received NARS.

The NARS of Farrell are provided to the flow aggregator processor after being normalized by the data collectors (see,

Attorney's Docket No.: 10559/380001/P10186

inter alia, Farrell col. 3, lines 53-55). There is no suggestion in Farrell that there are duplicate entries after this normalization and after the summarization of the NARs by the flow processor aggregator. As there are no duplicate entries, Farrell also does not disclose removing all but one of the duplicate data entries from a discovery document.

Accordingly, claims 1, 10-13, 25-28 and their respective dependent claims should be allowable.

35 USC § 103

Claims 2-4, 14, 17-19, and 29 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Farrell and Barrett. Claims 5 and 20 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Farrell, Barrett, and Libert. These rejections are respectfully traversed. Claims 6-8 and 21-23 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Farrell in view of Fletcher.

As Farrell does not disclose the subject matter of each of claims 1, 12, 16, and 27, combining Farrell with any of the cited references would not teach all of the claimed features.

Accordingly, 2-8, 14, 17-23, and 29 should be allowable.

Attorney's Docket No.: 10559/380001/P10186

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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